

AMENDED IN SENATE JULY 15, 2003

AMENDED IN SENATE JUNE 18, 2003

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 608

**Introduced by Assembly Member Daucher
(Coauthor: Assembly Member Spitzer)**

February 19, 2003

An act to amend Section 11591 of the Health and Safety Code, and to amend Sections 291 and 291.1 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 608, as amended, Daucher. Crimes: school employees.

Existing law requires every sheriff or chief of police, upon the arrest of a school employee for specified controlled substance offenses or sex offenses, to immediately notify specified school officials, including the Commission on Teacher Credentialing if the school employee is a teacher in a public school.

This bill would provide that those notices would be given if the law enforcement officer knows that the arrestee is a school employee and would additionally require the Commissioner of the California Highway Patrol to give those notices upon the arrest of a school employee for those offenses.

Existing law requires every sheriff or chief of police, upon the arrest of any private school teacher for a sexual offense that would require registration, to give immediate written and telephonic notice of that arrest to school authorities employing that teacher.

This bill would provide that those notices ~~would~~ *shall* be given *in the case of an arrest of a private school teacher for those sexual offenses and for specified controlled substances offenses* if the law enforcement officer knows that the arrestee is a school employee and would additionally require the Commissioner of the *California* Highway Patrol to give these notices ~~upon the arrest of a private school teacher for one of these sexual offenses.~~

Existing law requires the county superintendent of schools, upon receiving notice of the arrest of a public school teacher for those offenses, to immediately notify the governing board of the school district employing that person.

This bill would additionally require the Commission on Teacher Credentialing, upon receiving notice of the arrest, to immediately notify the governing board of the school district employing that person.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11591 of the Health and Safety Code is
2 amended to read:

3 11591. Every sheriff, chief of police, or the Commissioner of
4 the California Highway Patrol, upon the arrest for any of the
5 controlled substance offenses enumerated in Section 11590, or
6 Section 11364, insofar as that section relates to paragraph (12) of
7 subdivision (d) of Section 11054, of any school employee, shall,
8 provided that he or she knows that the arrestee is a school
9 employee, do one of the following:

10 (a) If the school employee is a teacher in any of the public
11 schools of this state, the sheriff, chief of police, or Commissioner
12 of the California Highway Patrol shall immediately notify by
13 telephone the superintendent of schools of the school district
14 employing the teacher and shall immediately give written notice
15 of the arrest to the Commission on Teacher Credentialing and to
16 the superintendent of schools in the county where the person is
17 employed. Upon receipt of the notice, the county superintendent
18 of schools and the Commission on Teacher Credentialing shall
19 immediately notify the governing board of the school district
20 employing the person.



(b) If the school employee is a nonteacher in any of the public schools of this state, the sheriff, chief of police, or Commissioner of the California Highway Patrol shall immediately notify by telephone the superintendent of schools of the school district employing the nonteacher and shall immediately give written notice of the arrest to the governing board of the school district employing the person.

(c) If the school employee is a teacher in any private school of this state, the sheriff, chief of police, or Commissioner of the California Highway Patrol shall immediately notify by telephone the private school authority employing the teacher and shall immediately give written notice of the arrest to the private school authority employing the teacher.

SEC. 2. Section 291 of the Penal Code is amended to read:

291. Every ~~sheriff~~, *sheriff*, chief of police, or the Commissioner of the California Highway Patrol, upon the arrest for any of the offenses enumerated in Section 290~~—or in~~, subdivision (a) of Section 261, or Section 44010 of the Education Code, of any school employee, shall, provided that he or she knows that the arrestee is a school employee, do either of the following:

(a) If the school employee is a teacher in any of the public schools of this state, the sheriff, chief of police, or Commissioner of the California Highway Patrol shall immediately notify by telephone the superintendent of schools of the school district employing the teacher and shall immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed. Upon receipt of the notice, the county superintendent of schools and the Commission on Teacher Credentialing shall immediately notify the governing board of the school district employing the person.

(b) If the school employee is a nonteacher in any of the public schools of this state, the sheriff, chief of police, or Commissioner of the California Highway Patrol shall immediately notify by telephone the superintendent of schools of the school district employing the nonteacher and shall immediately give written notice of the arrest to the governing board of the school district employing the person.

SEC. 3. Section 291.1 of the Penal Code is amended to read:

1 291.1. Every sheriff or chief of police, or Commissioner of
2 the *California* Highway Patrol, upon the arrest for any of the
3 offenses enumerated in Section 290 or Section 44010 of the
4 *Education Code*, of any person who is employed as a teacher in any
5 private school of this state, shall, provided that he or she knows that
6 the arrestee is a school employee, immediately give written notice
7 of the arrest to the private school authorities employing the
8 teacher. The sheriff, chief of police, or Commissioner of the
9 *California* Highway Patrol, provided that he or she knows that the
10 arrestee is a school employee, shall immediately notify by
11 telephone the private school authorities employing the teacher of
12 the arrest.

